

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA :
:
v. : **CRIMINAL NO. 14-574**
:
DEVOS LTD. d/b/a GUARANTEED :
RETURNS, et al. :

**AGREED MOTION FOR CONTINUANCE OF TRIAL
DATE DUE TO SUPERSEDING INDICTMENT**

Defendants Devos Ltd. d/b/a Guaranteed Returns, Dean Volkes and Donna Fallon, by counsel, upon agreement with the United States of America, by counsel, hereby move this Honorable Court for a continuance of the trial date and amendment of the motions briefing schedule. In support thereof, the parties represent as follows:

1. Trial in this matter is scheduled for April 18, 2016.
2. On February 11, 2016 a superseding indictment was returned. Among other things, the superseding indictment added five wire fraud and 15 mail fraud counts pertaining to allegations of fraud not contained in the original indictment.
3. Additional time is needed to review the discovery related to these charges and to prepare for trial on the superseding indictment.
4. Failure to allow additional time would unreasonably deny counsel for defendants the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

5. Counsel for both parties have conferred and propose the following schedule, which takes into account pre-existing commitments of counsel and reflects a modest modification to the briefing schedule previously agreed upon by the parties:

- a. Pre-trial motions (which will supersede the earlier motions) due March 18, 2016;
- b. Government response due April 15, 2016;
- c. Defense replies due April 29, 2016;
- d. Oral argument as convenient to the Court's schedule;
- e. Trial to begin January 23 or 30, 2017.

6. This case was designated complex by Order of this Court dated December 10, 2014 because the case taken as a whole is so unusual and complex, due to the nature of the prosecution and other complexity, that it is unreasonable to expect adequate preparation within the periods of time established by 18 U.S.C. § 3161. The case continues to be complex, perhaps more so due to the addition of charges in the Superseding Indictment.

CONCLUSION

For these reasons, the parties respectfully submit that the ends of justice served by granting this continuance and amendment to the motions schedule outweigh the best interest of the public and the defendants in a speedy trial.

Dated: New York, New York
February 26, 2016

Respectfully Submitted,

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ORDER

AND NOW, this _____ day of _____, 2016, for the reasons stated in the Agreed Motion for Continuance of Trial Date Due to Superseding Indictment, it is hereby ORDERED that said Motion is GRANTED. The Court finds pursuant to 18 U.S.C. §3161(h)(7)(A) that the ends of justice served by such a continuance outweigh the best interest of the public and defendant in a speedy trial. Specifically, the Court finds that:

1. A superseding indictment was returned in this case on February 11, 2016. Among other things, the superseding indictment added five wire fraud and 15 mail fraud counts.
2. Failure to allow additional time would unreasonably deny counsel for defendants the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.
3. This case was designated complex by Order of this Court dated December 10, 2014 because the case taken as a whole is so unusual and complex, due to the nature of the prosecution and other complexity, that it is unreasonable to expect adequate preparation within the periods of time established by 18 U.S.C. §3161. The case continues to be complex, perhaps

more so due to the addition of charges in the Superseding Indictment. The complex case designation of December 10, 2014 remains in effect.

IT IS HEREBY ORDERED that trial in this matter is continued until

_____ . Pre-trial motions shall be due March 18, 2016. Any response shall be due April 15, 2016. Any replies shall be due April 29, 2016. Oral argument on the motions shall be scheduled by further Order of this Court.

BY THE COURT:

HON. PETRESE B. TUCKER, C.J.

CERTIFICATE OF SERVICE

I, Ankita Chaudhary, hereby certify that the following documents have been filed electronically and are available for viewing and downloading from the Electronic Case Filing system: (1) The parties' Agreed Motion for Continuance of Trial Date Due To Superseding Indictment; and (2) a proposed Order granting the parties' Agreed Motion. Notice has been sent through the ECF system to counsel of record, who have all consented to electronic service, including Assistant United States Attorneys Nancy Rue and Patrick Murray.

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